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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/976,461	INGRAM ET AL.
	Examiner	Art Unit	
	MICHAEL R. ZECHER	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 December 2008*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *22-50* is/are pending in the application.

  4a) Of the above claim(s) *1-21,30 and 45* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *22-29, 31-44, & 46-50* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   The following is a first, non-final Office Action on the merits following a Request

for Continued Examination entered December 17, 2008. **Claim 1-21** have been

withdrawn. **Claims 30 & 45** have been cancelled. **Claims 22, 35, & 46** have been

amended. **Claims 22-29, 31-44, & 46-50** are pending.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   **Claims 22-29, 31-44, & 46-50** are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter.

Claims 22-29 & 31-34 are rejected under 35 U.S.C. 101 based on Supreme

Court precedent, and recent Federal Circuit decisions, stating that a § 101 process must

(1) be tied to another statutory class (such as a particular apparatus) or (2) transform

underlying subject matter (such as an article or materials) to a different state or thing.

Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9

(1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S.

780,787-88 (1876). The process steps in claims 22-29 & 31-34 are not tied to

another statutory class nor do they execute a transformation. Thus, they are non-

statutory.

Claims 23-29 & 31-34 are dependent from claim 22 and therefore are rejected

under the same rationale set forth above.

Claims 35 & 46 recite in the preamble "a web-based application for providing a multi-level construction system...said web-based application comprising the following selectable services," and "a web-based communications network for automatically administering a controlled relationship between a borrower and an inspector for automated construction loan financing, comprising." The bodies of claims 35 & 46 recite various "services" in each limitation, including "a registration service," "a certification service," "a credit line establishment service," etc. Claims 35 & 46 are considered non-statutory because a web-based application and a web-based communications network are considered to be software, per se. Functional Descriptive material per se is not statutory. Functional Descriptive material must be in combination with an appropriate computer readable medium that is capable of being used in a computer system. Since the "services" lack storage on a medium and there are no instructions in executable form, no underlying functionality occurs and thus there is no practical application. For these reasons, claims 35 & 46 fail to satisfy one of the statutory categories set form in 35 U.S.C. 101 and is therefore considered to be non-statutory.

Claims 36-44 are dependent from claim 35 and are therefore rejected under the same rationale set forth above.

Claims 47-50 are dependent from claim 46 and are therefore rejected under the same rationale set forth above.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   **Claims 46-50** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 46 recites the limitation "a given borrower" in lines 9 & 10. There is

insufficient antecedent basis for this limitation in the claim.

Claims 47-50 depend from claim 46 and therefore contain the same deficiency.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claims 22-29, 32-37, 42-44, 46-48, & 50** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Van Collie, S.-C., *Construction loan tool from PriMerit,*

Newtrend, Bank Management, vol. 66, no. 4, April 1990, pgs. 60 & 62, in view of Louie

et al. (U.S. 2001/0054022), and further in view of Wares (U.S. 2001/0044768).

As per claim 22, Van Collie teaches an automated process for approving and

administering a construction loan (See pg. 60, which discusses Miser2 Commercial

Construction Loan (CCL) application), said automated process comprising:

a draw payment subprocess (See pg. 62, which discusses a draw system

payment), comprising:

requesting an allotted monetary increment as a draw on an approved

project-specific loan (See pg. 62, which discusses a construction loan application);

inspecting said project progress and features thereof (See pg. 62, which

discusses procedural checkpoints to ensure that construction stages are complete

before funds are issued); and

approving the requested draw on said project-specific loan based on

successful progress inspecting (See pg. 62, which discusses how the bank has custom

defined criteria for disbursement).

However, Van Collie does not expressly disclose the automated process comprising:

a builder initialization subprocess, comprising:

analyzing said requested builder data; and

approving a builder for initialization in said on-line system; and

establishing a builder line of credit;

a deal initialization subprocess, comprising:

analyzing said requested dealer data; and

approving a dealer for initialization in said on-line system;

a project-specific loan application subprocess, comprising[:]

analyzing said requested project specific loan data; and

approving a builder for a project-specific loan based at least in part on the

established line of credit.

Louie et al. discloses a loan tracking and management system that provides a

user with access to specific details related to a loan (See abstract).

Both Van Collie and Louie et al. disclose methods and systems for administering

a loan. Louie et al. discloses a builder initialization subprocess, a dealer initialization

subprocess, and a project-specific loan application subprocess (See figure 4, which

illustrates the entities involved in a loan, including the manager, borrower, investor(s),

etc.); analyzing said requested builder/dealer/loan data (See claim 4, which discusses

receiving and analyzing a transaction request); and approving a builder/dealer for

initialization in said on-line system or for a project-specific loan (See paragraph 39,

which discusses an "approved" indicator for a funds transfer); and establishing a letter

of credit including a maximum dollar amount (See paragraph 53, which discusses credit

agreements with selected facilities that contain provisions regarding maximum dollar

amount for draw downs). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify Van Collie to include a builder

initialization subprocess, a dealer initialization subprocess, and a project-loan

application subprocess capable of analyzing the data, approving each respective

subprocess, and establishing a line of credit for project-specific loans as taught by Louie

et al. in order to efficiently organize data and provide a system with strong controls that

provides assurance about where lenders and builders stand in each construction

project.

The Van Collie and Louie et al. combination discloses all the elements of the

claimed invention, but fails to disclose:

a builder initialization subprocess, comprising:

providing requested builder data to an on-line system;

a deal initialization subprocess, comprising:

    providing requested dealer data to an on-line system; and

a project-specific loan application subprocess, comprising[:]

    providing requested project specific loan data to one or more predefined

project templates provided within an on-line system.

Wares discloses an integrated electronic commerce based construction industry

and project management system and method (See abstract).

Van Collie, Louie et al., and Wares disclose methods and systems for

administering a loan. Wares teaches gathering data from qualified participants, such as

owners, architects, engineers, consultants, general contractors, sub-contractors, retail

and wholesaler suppliers and builders (See figure 1 and paragraphs 33-40, which

illustrates and discusses how data is acquired for specific projects from builders,

contractors, etc.); and, furthermore, import/exporting project management data that

includes specific designs, bidding, financing, procurement, etc. (See paragraph 13, 14,

& 94 which discusses import/exporting project specific data via identified documents).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to include an on-line system capable of receiving and analyzing

project-specific data via one or more predefined project forms/documents/templates as

taught by Wares in order to provide an integrated electronic commerce system for

managing each phase of building and construction projects (See paragraph 10).

As per claim 23, Van Collie teaches wherein said automated process is

implemented in conjunction with an on-line construction application hosted on a web-

based platform such as an internet site (See pg. 62, which discusses how the CCL

application is an online, real-time package).

As per claim 24, Van Collie does not expressly disclose wherein said builder

initialization subprocess comprises a registration subprocess and a certification

subprocess and wherein each respective registration and certification subprocess

comprises steps of respectively providing requested builder registration data and builder

certification data to an on-line system, respectively analyzing said requested builder

registration and builder certification data, and respectively approving a builder for

registration and certification via said on-line system.

Louie et al. discloses how a borrower enters registration information through

borrower management (See paragraph 36, which discusses registration information);

and, furthermore, how a user, based on the transaction type, provides the appropriate

information in selecting a pricing type (See paragraph 76, which discusses selecting a

pricing type, such as a certificate for deposit). Therefore, it would have been obvious to

one ordinary skill in the art at the time the invention was made to modify Van Collie to

include a registration process and a certification process involving a selected price type

where requested data is provided, analyzed, and approved as taught by Louie et al. in

order to meet the needs of financial institutions that handle construction loans of various

sizes.

Claim 25 recites equivalent limitations to claim 24 and is therefore rejected using

the same art and rationale.

As per claim 26, Van Collie teaches wherein said respective steps of providing

requested builder data, providing requested loan data, and requesting an allotted

increment on an approved loan are all performed by a prospective builder, wherein said

prospective builder is characterized as one who borrows money corresponding to a

construction loan for financing a construction project (See pg. 62, which discusses a

draw payment process in the context of a builder borrowing money for a construction

project).

As per claim 27, Van Collie does not expressly disclose wherein selected of said

respective steps of analyzing said requested dealer data, and analyzing said requested

loan data further comprise a respective step of employing an underwriting application

for automatically analyzing selected data and information provided to said on-line

system by a builder or dealer.

Louie et al. discloses how members of a number of commercial lending institutes

can underwrite large commercial loans (See paragraph 6, which discusses how the loan

syndicate can underwrite large commercial loans, while spreading risk and liability

among various members). Therefore, it would have been obvious to one ordinary skill

in the art at the time the invention was made to modify Van Collie to include an

underwriting application for analyzing data as taught by Louie et al. in order to meet the

needs of financial institutions that handle construction loans of all sizes.

As per claim 28, Van Collie teaches wherein said respective steps of providing

requested dealer data and inspecting project progress and features thereof are

performed by a dealer, wherein said dealer is characterized as one who oversees the

construction project of a builder or builders (See pg. 62, which discusses how a project manager can more efficiently handle individual contractors).

As per claim 29, Van Collie teaches wherein said respective steps of approving a builder for initialization, approving a dealer for initialization, approving a builder for a project-specific loan, and approving a requested draw on a project-specific loan are performed by the system administrator is characterized as one who has access to and oversees the operation of said on-line construction application (See pg. 60, which discusses how the CCL may be utilized by an administrator to handle various projects).

As per claim 32, Van Collie teaches a construction supply process, said construction supply subprocess comprising the steps of:

requesting building supplies for use in a given construction project, wherein said step of requesting building supplies is performed by an approved builder (See pg. 62, which discusses how the capabilities of the CCL include handling inventory); and

approving a request for building supplies, wherein a request for building supplies can be approved by select[ing] one of an approved dealer and a system administrator (See pg. 62, which discusses how the CCL permits control at multiple levels, including tracking nails and bolts; it is inherent that control to such a specific level would allow for approval of an inventory request).

As per claim 33, Van Collie teaches wherein said monetary funding is provided by a lender to a funding account such that draws on an approved loan are accessible to a builder from said funding account (See pg. 62, which discusses how lending institutes can deal with each contractor individually when utilizing a voucher or draw system).

As per claim 34, Van Collie teaches wherein said construction supplies are provided by a dealer (See pg. 62, which discusses how the capabilities of the CCL include handling inventory). Van Collie does not expressly disclose wherein said construction supplies are provided by a dealer who has been approved for registration and certification via said on-line system.

Louie et al. discloses how a borrower enters registration information through borrower management (See paragraph 36, which discusses registration information); and, furthermore, how a user, based on the transaction type, provides the appropriate information in selecting a pricing type (See paragraph 76, which discusses selecting a pricing type, such as a certificate for deposit). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Van Collie to include a manager capable of providing construction supplies that also has been approved for registration and certification as taught by Louie et al. in order to permit control at multiple levels, including who may or may not provide inventory for a respective construction project.

As per claim 35, Van Collie teaches a web-based application for providing a multi-level construction system, featuring integrated and automated on-line project financing and ordering of building supplies (See pg. 60, which discusses Miser2 Commercial Construction Loan (CCL) application), said web-based application comprising the following selectable services:

a draw request service, available to builders, for requesting monetary funding for
a construction project (See pg. 62, which discusses a construction loan application in
the context of a draw system payment);

a draw request service, available to builders, for requesting an allotted increment
of an approved loan (See pg. 62, which discusses a draw system payment where the
bank has custom defined criteria for disbursement); and

an inspection verification service, available to dealers, for verifying progress on a
given project and for providing corresponding partial project approval (See pg. 62, which
discusses procedural checkpoints to ensure that construction stages are complete
before funds are issued).

However, Van Collie does not expressly disclose:

a registration service, available to prospective builders or dealers, for registering
in said web based application;

a certification service, available to registered builders or dealers, for obtaining
certification to participate in said multi-level construction system;

a credit line establishment service, available to certified builders, for establishing
funding limits for loan applications;

a loan application service, available to builders for requesting monetary funding
for a construction project.

Louie et al. discloses how a borrower enters registration information through
borrower management (See paragraph 36, which discusses registration information);
how a user, based on the transaction type, provides the appropriate information in

selecting a pricing type (See paragraph 76, which discusses selecting a pricing type,

such as a certificate for deposit); establishing a letter of credit including a maximum

dollar amount (See paragraph 53, which discusses credit agreements with selected

facilities that contain provisions regarding maximum dollar amount for draw downs);

and, furthermore, a loan application service (See figure 4, which illustrates the entities

involved in a loan, including the manager, borrower, investor(s), etc.). Therefore, it

would have been obvious to one ordinary skill in the art at the time the invention was

made to modify Van Collie to include a registration process, a certification process, a

credit service, and a loan application service as taught by Louie et al. in order to meet

the needs of financial institutions that handle construction loans of various sizes.

The Van Collie and Louie et al. combination discloses all the elements of the

claimed invention, but fails to disclose:

a supply service, available to registered builders, whereby a registered builder

requests certain building supplies for use in specific construction projects such that a

registered dealer thereafter provides such registered builder with such requested

building supplies.

Wares teaches that a supplier and building products manufacturer can utilized

the electronic commerce system to participate and compete in construction project

management tasks (See figure 1 and paragraphs 33, which illustrates and discusses an

integrated system whereby a supplier and building products manufacturer can provide

building supplies for specific projects). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to include an on-line system

whereby a supplier and building products manufacturer can supply a builder with
supplies for a specific project as taught by Wares in order to provide an integrated
electronic commerce system for managing each phase of building and construction
projects (See paragraph 10).

As per claim 36, Van Collie does not expressly disclose an insurance service
offered to selected builders for insuring selected products and services utilized in a
given construction project.

Louie et al. discloses how large commercial banks seek assurance, including
loan insurance, before approving a loan (See paragraph 5, which discusses how a bank
may obtain loan insurance from the borrower before carrying out the loan). Therefore, it
would have been obvious to one ordinary skill in the art at the time the invention was
made to modify Van Collie to include an insurance service for given construction
projects as taught by Louie et al. in order to provide protection in case a borrower is
unable to fulfill his/her obligation under a large commercial loan.

As per claim 37, Van Collie teaches a project portfolio service for viewing and
monitoring project, loan and draw request information relating to selected construction
projects in a given portfolio of all construction projects undertaken by a given builder or
dealer (See pg. 62, which discusses how the CCL is a real-time package).

As per claim 42, Van Collie teaches a plurality of predefined project templates,
for use in conjunction with said loan application service, and for facilitating provision of
information related to a specific construction project by a builder to said web-based

application (See pg. 62, which discusses a parameter-driven application that enables lenders to custom define criteria for disbursement).

As per claim 43, Van Collie teaches a monetary deposit service wherein, upon selection and completion of said draw request service by a builder in a selected builder team and corresponding selection and completion of said inspection verification service by a dealer in said selected builder team, an allotted increment of an approved loan is automatically provided to a funding account, whereby said funding account and any funds therein are accessible by said builder (See pg. 62, which discusses the possibility of construction loan payments made through a checking account; and, furthermore, how a transfer can be set up from a direct deposit account).

As per claim 44, Van Collie does not expressly disclose an automatic analysis service for gathering selected information provided in conjunction with selected services, for analyzing said selected information online, and for returning an approval or disapproval of said analyzed selected information.

Louie et al. discloses analyzing requested builder/dealer/loan data (See claim 4, which discusses receiving and analyzing a transaction request), and approving a builder/dealer for initialization in the on-line system or for a project-specific loan (See paragraph 39, which discusses an "approved" indicator for a funds transfer). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Van Collie to include an automated project-loan application capable of gathering data, analyzing data, and approving selected information as taught by Louie et al. in order to efficiently organize data and provide a system with strong

controls that provides assurance about where lenders and builders stand in each construction project.

As per claim 46, Van Collie teaches a web based communication network for automatically administering a controlled relationship between a borrower and an inspector for automated construction loan financing (See pg. 60, which discusses Miser2 Commercial Construction Loan (CCL) application), comprising:

a funding account service for storing monetary funding from a lending source in a funding account for association with a specific potential borrower, and for association with a specific construction loan associated with a specific construction project (See pg. 62, which discusses how the CCL links to a general ledger); and

an automated draw request service for facilitating inspection by a registered and certified inspector of progress on a specific construction project and for facilitating transfer, based on such inspector approval, of a monetary allotment of an associated specific construction loan from the lending source to an associated specific funding account, accessible by the associated borrower, such that an automated controlled relationship provides funding for construction financing without requiring a direct loan to a borrower (See pg. 62, which discusses a draw system payment where the bank has custom defined criteria for disbursement).

However, Van Collies does not expressly disclose:

an initialization service for registering and certifying potential borrowers and potential inspectors in accordance with network administered standards; and

a credit line establishment service, available to certified potential borrowers, for establishing funding limits for loan applications.

Louie et al. discloses how a borrower enters registration information through borrower management (See paragraph 36, which discusses registration information); how a user, based on the transaction type, provides the appropriate information in selecting a pricing type (See paragraph 76, which discusses selecting a pricing type, such as a certificate for deposit); and, furthermore, establishing a letter of credit including a maximum dollar amount (See paragraph 53, which discusses credit agreements with selected facilities that contain provisions regarding maximum dollar amount for draw downs). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Van Collie to include a registration process, certification process, and credit service involving a selected price type where requested data is provided, analyzed, and approved as taught by Louie et al. in order to meet the needs of financial institutions that handle construction loans of various sizes.

The Van Collie and Louie et al. combination discloses all the elements of the claimed invention, but fails to disclose:

a relationship establishment service, by which each registered and certified borrower and inspector is automatically assigned to a specific team, and by which confirmation is provided for a configured business relationship between a given borrower and inspector.

Wares teaches how the system is arranged into logical groups, such as the bid manager group (See figure 7, and paragraphs 97, which illustrates and discusses how

useful services and tools are arranged in logical groups); and, furthermore, the

interaction between the group of qualified companies and the authentication or

validation of business relationships (See figure 2-4, and paragraphs 59-61, 86, & 94-

100, which illustrates and discusses validating business relationships between

prospective dealers and builders). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to include an on-line system

whereby registered contractors, dealers/owners, suppliers, etc. establish and confirm

business relationships for specific projects as taught by Wares in order to provide an

integrated electronic commerce system for managing each phase of building and

construction projects (See paragraph 10).

      Claim 47 recites equivalent limitations to claim 29 and is therefore rejected using

the same art and rationale as set forth above.

      Claim 48 recites equivalent limitations to claim 32 & 34, respectively, and is

therefore rejected using the same art and rationale as set forth above.

      As per claim 50, Van Collie teaches wherein said web-based communication

network further administers a controlled relationship among such a borrower and such

an inspector, and also among a funding account and a subcontractor, such that such

subcontractor provides monetary funding to a funding account or provides building

supplies to a registered and certified borrower or to a registered and certified inspector

(See pg. 62, which discusses how lending institutes can deal with each contractor

individually when utilizing a voucher or draw system; and, furthermore, how the

capabilities of the CCL include handling inventory).

8.   **Claims 31, 38-41, & 49** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Van Collie, S.-C., *Construction loan tool from PriMerit, Newtrend,*

Bank Management, vol. 66, no. 4, April 1990, pgs. 60 & 62, in view of Louie et al. (U.S.

2001/0054022), in view of Wares (U.S. 2001/0044768), and further in view of Official

Notice.

       As per claim 31, the Van Collie, Louie et al., and Wares combination does not

expressly disclose wherein any information provided in said respective steps of

providing requested builder data to an on-line system, providing requested dealer

information to an on-line system, and providing requested loan data to an on-line

system, that is not or cannot by provided on-line is requested from said builder or said

dealer for off-line receipt thereof.

       The Examiner takes Official Notice that it is old and well known in the art to

provide information via a phone conversation, letter, personally, etc. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the Van Collie, Louie et al., and Wares combination to include other means of

providing requested information other than on-line in order to gather the necessary

information for completing or approving a construction loan.

       As per claim 38, the Van Collie, Louie et al., and Wares combination does not

expressly disclose a tutorial service for providing aided system instruction to a builder or

dealer as related to selected of the services offered via said web-based application.

       The Examiner take Official Notice that it is old and well known in the art to

provide a system that is capable of providing instruction for a user. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the Van Collie, Louie et al., and Wares combination to include a tutorial

service for providing a user with instructions in order guide a user when problems arise

concerning the services offered.

   As per claim 39, the Van Collie, Louie et al., and Wares combination does not

expressly disclose wherein a builder or dealer is automatically prompted to select said

certification service after selection and completion of said registration service.

   The Examiner takes Official Notice that it is old and well known in the art for the

creator of a system to establish steps following the selection of a certain event.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the Van Collie, Louie et al., and Wares combination to

include automatically prompting a builder or dealer to select the certification service

after selection of the registration service in order to provide perspective users of the

construction loan system with a quick and efficient means of certifying and registering.

   As per claim 40, the Van Collie, Louie et al., and Wares combination does not

expressly disclose wherein a unique home page is generated for each builder or dealer

that selects and completes said registration service, and wherein each respective

builder or dealer is also assigned, upon selection and completion of said registration

service, a username and corresponding password for future access to selected services

offered via said web-based application.

   The Examiner takes Official Notice that it is old and well known in the art to

generate a unique home page for each respective user; and, furthermore provide

security measures, such as a username and password. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Van Collie, Louie et al., and Wares combination to include creating a unique homepage, and assigning a username and password for each builder and dealer in order to provide security measures for the commercial loans associated with particular users.

As per claim 41, the Van Collie, Louie et al., and Wares combination does not expressly disclose wherein a builder or dealer is automatically assigned to a builder team, with assignment thereof based on geographic location, and wherein a builder or dealer is assigned to a builder team after selection and completion of said registration service.

The Examiner takes Official Notice that it is old and well known in the art to group participants according to geographic location. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Van Collie, Louie et al., and Wares combination to include assigning builders and dealers to designated groups based on geographic location in order to ensure that the services provided by the construction loan application are specific to designated regions and not disproportional based on the cost required to obtain the services.

Claim 49 recites equivalent limitations to claim 41 and is therefore rejected using the same art and rationale as set forth above.

Response to Arguments

9.   Applicant's arguments with respect to **claims 22-29, 31-40, 42-44, 46-48, & 50**

have been considered but are moot in view of the new grounds of rejection.

In the Remarks, Applicant argues in substance that:

(a) It is not old and well known in the art to group participants according to

geographic location (See Official Notice, claims 41 & 49).

In response to (a):

The Examiner respectfully disagrees with Applicant's assertion. In furtherance of

prosecution, the Examiner refers Applicant to Elliot (U.S. 6,446,053) which discloses,

teaches, and suggest that dealers and builders may be grouped according to

geographic location (See col. 4, lines 44-63, col. 6, lines 1-5, and col. 10, lines 57-64).

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

McNamar et al. (U.S. 2006/0271470) discloses a method and system for internet

banking and financial services.

Dillard (U.S. 6,236,973) discloses an apparatus and method for providing

collateral construction loan insurance.

Crookshanks (U.S. 7,089,203) disclose building construction bid and contract

management system, internet-based method and computer program therefor.

Casto (U.S. 6,038,547) discloses construction tracking and payment method and

system.

Isherwood (U.S. 5,918,219) discloses a system and method for estimating

construction project cost and schedules based on historical data.

Krause (U.S. 5,950,206) discloses a method and apparatus for searching and

tracking construction project in a document information database.

Wares (U.S. 7,330,821) discloses an e-commerce bid and project management

system and method for the construction industry.

Ellis et al. (U.S. 5,760,821) discloses an electronic program guide schedule

localization system and method.

Elliot (U.S. 6,446,053) discloses a computer-implemented method and system for

producing a proposal for a construction project.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL R. ZECHER whose telephone number is

(571)270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays

off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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